

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN FRANCISCO

COORDINATION PROCEEDING  
SPECIAL TITLE (RULE 1550(b))

VITAMIN CASES,

This Document Relates To:  
ALL ACTIONS

Judicial Council Coordination Proceedings No.  
4076

Master File No. 301803 (San Francisco County)

**[PROPOSED] ORDER GRANTING  
MOTION FOR APPROVAL OF  
DISTRIBUTION OF CONSUMER  
CLASS SETTLEMENT FUNDS (ROUND 2)**

Date: November 24, 2004  
Time: 2:30 p.m.  
Dept.: 505  
Judge: Hon. John E. Munter

Plaintiffs’ Co-Liaison Counsel (“PCC”) has moved for a second proposed distribution (“Round 2”) of the Consumer Class Settlement Fund pursuant to the Settlement Agreement and the Plan of Distribution in this action. The Court-approved *Cy Pres* Fund Administrator, Harry M. Snyder, has reviewed the applications for *cy pres* fund distributions put forth by entities for Round 2, conducted due diligence on such applications, and has recommended a second distribution to certain of these entities. After reviewing all papers submitted, hearing the argument of counsel, and for the reasons set forth by the Court at the hearing on November 24, 2004, the Court grants the motion of PCC that Round 2 *cy pres* funds be distributed to the

following applicants and in the following amounts:

***Projects Relating to Nutritional and Health Outreach***

- California Project LEAN (Leaders Encouraging Activity & Nutrition) cosponsored by Public Health Institute and California Department of Health Services) \$750,000
- Vista Community Clinic \$713,579
- California WIC Association \$749,187
- Children's Hospital and Health Center, The Teaching Kitchen Program \$177,450
- Children Now \$154,952
- Fresno County of Education, Powermid Program \$607,273
- Garden Project \$195,000
- Reach Out Project \$180,000
- University of Southern California, Keck School of Medicine, Quick! Help for Meals Program \$142,027

***Projects Relating to Professional Education***

- Health Care Education Foundation \$1,000,000
- Project Concern International, Community Health Worker Regional Development Center \$30,000
- UCSF Department of Family & Community Medicine \$1,000,000
- UCLA Department of Family Medicine \$1,000,000
- University of San Francisco, School of Nursing \$800,000
- Children's Hospital and Health Center (Feeding Team) \$155,032

***Project Relating to Food Safety & Quality***

- Pacific Egg & Poultry Association \$31,375

Further information concerning these projects is contained in the Declaration of Harry M. Snyder, Fund Administrator, and the exhibits attached thereto, filed on October 27, 2004.

The Court has also reviewed the submissions of PCC and the Declarations of Harry Snyder, and the exhibits attached thereto, regarding the proposed program for reviewing the scientific and nutritional research proposals that constitute Round 3 of the *cy pres* applications.

1 Based on the documentation that has been submitted, the Court finds that the proposed technical  
2 review process of the Round 3 proposals is appropriate and the proposed budget (totaling  
3 \$29,200) appears at this time to be reasonable in light of the qualifications of the reviewers and  
4 the work needed to conduct the technical review.

5 The Court hereby authorizes Mr. Snyder to hire professors Nestle and Nesheim to conduct  
6 the proposed technical review of the Round 3 proposals. Once the work is conducted, PCC is  
7 instructed to apply to the Court for a Round 3 distribution to fund the recommended proposals as  
8 well as to compensate professors Nestle and Nesheim for work related to the technical review of  
9 these proposals. Professors Nestle and Nesheim should be prepared to submit declarations  
10 indicating the time they spent reviewing the proposals and the tasks they performed in doing so.

11 IT IS SO ORDERED.

12 Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable John E. Munter  
Superior Court Judge